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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/764,348

01/23/2004

David L. Schulte JR.

SC 069

5774

7590

06/14/2006

Guy McCulung  
PMB 347  
16690 Champion Forest Drive  
Spring, TX 77379-7023

EXAMINER

KOHNER, MATTHEW J

ART UNIT

PAPER NUMBER

3653

DATE MAILED: 06/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/764,348	SCHULTE ET AL.	
	Examiner	Art Unit	
	Matthew J. Kohner	3653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>9/13/04:6/7/05</u>  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3 and 23-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3 recites that the at least one series of openings is two parallel spaced apart series of crossmembers. It appears the word crossmembers should be openings.

Claims 23 recites a method for mounting a screen assembly, but depends from claim 22 which is a method for treating material. Claim 23 contains two different methods and hence is not directed to a single process/method. Therefore, the claim is indefinite.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9, 14, 15, 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,927,511 to Riddle et al. (hereinafter "Riddle") in view of US Patent No. 3,849,961 to Gwynne (hereinafter "Gwynne").

In regard to claims 1-3, Riddle discloses a screen assembly for a vibratory separator, the screen assembly comprising:

a frame (36) with a first frame end spaced apart from a second frame end by two opposed spaced-apart sides including a first side and a second side, screening material (72, 74, 76) on the frame, a plurality of crossmembers (46, 48, 50, 52) spaced apart and extending from the first side to the second side, each crossmember of the plurality of crossmembers connected to the first side and the second side,

Riddle does not disclose that each crossmember of the plurality of crossmembers having at least one series of openings therethrough, said openings made by removing material from a crossmember. However, it is well known in the art to extrude portions of a truss to make it lighter. Gwynne discloses a truss (10) wherein openings (31) have been extruded from the truss in order to reduce the weight (col. 1, lines 63-67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the frame of Riddle by extruding portions, as taught by Gwynne, in order to make the frame lighter.

In regard to claims 4-5, Gwynne discloses triangular openings and inverted triangular openings (see Fig. 8).

In regard to claim 6, Riddle discloses rods (60).

In regard to claims 7-9, Riddle discloses side opening cut out portions (66).

In regard to claim 14-15, Riddle discloses a plurality of layers of screening material (col. 5, lines 57-67).

In regard to claims 19 and 20, Riddle discloses the cross-members are attached to the sides (See Fig. 3). While the means of attachment is not specifically disclosed, it would have

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been obvious to one of ordinary skill in the art at the time the invention was made to have used a recess to attach the crossmember.

In regard to claim 21, Riddle discloses a vibratory separator.

In regard to claim 22, Riddle discloses a method for treating material with a vibratory separator including the above mentioned features.

Claims 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Riddle et al. in view Gwynne and further in view of US Patent No. 4380494 to Wilson (hereinafter "Wilson").

While Riddle does disclose crossmembers, Riddle does not disclose truss-shaped crossmembers. However, truss-shaped members are known in the screen art for supporting a screen. Wilson discloses V-shaped truss-like crossmembers (100) to support the screen. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the frame of Riddle by making the crossmembers truss shaped, as taught by Wilson, in order to make the frame lighter.

In regard to claim 16, Wilson discloses spring 40.

In regard to claim 17-18, Wilson discloses a V-shaped truss crossmember is a support wire.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

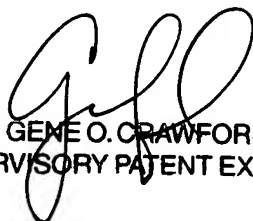
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Kohner whose telephone number is 571-272-6939. The examiner can normally be reached on Mon-Fri 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on 571-272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Matthew J. Kohner  
Examiner  
Art Unit 3653

mjk

  
GENE O. CRAWFORD  
SUPERVISORY PATENT EXAMINER